

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

STATE COMMITTEE OF PSYCHOLOGISTS
3523 North Ten Mile Drive
Jefferson City, MO 65102,

Petitioner,

v.

LOUIS A. FRAAS, Ph.D
12808 Crystal
Grandview, MO 64030,

Respondent.

Case No. PS-86-0126

STIPULATION OF FACTS AND WAIVER OF ADMINISTRATIVE
HEARING COMMISSION HEARING AND CONSENT TO A
FINDING OF CAUSE FOR DISCIPLINE

Pursuant to Rule 1.09(E) of the rules governing practice and procedure before the Administrative Hearing Commission (4 CSR 20-2.090) and pursuant to the terms of § 536.060, RSMo 1978, as it is made applicable to the Administrative Hearing Commission by § 621.135, RSMo Supp. 1984, the parties hereto waive the right to a hearing of the above-styled case by the Administrative Hearing Commission of the State of Missouri and jointly stipulate to the facts and consent to a finding by this Commission that cause exists for disciplinary action against the respondent for violations of statutes and/or administrative rules set forth below.

Respondent acknowledges that he has received a copy of the Complaint filed by the State Committee of Psychologists in this case.

In making this Stipulation of Facts and Waiver of Administrative Hearing Commission Hearing and Consent to a Finding of Cause for Discipline, the respondent acknowledges that he is aware of the various rights and privileges afforded him by law, including the right of a hearing of the charges against respondent; the right to appear and be represented by counsel; the right to have all charges against respondent proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against respondent; the right to present evidence on respondent's own behalf at the hearing; the right to a decision upon the record of the hearing by a fair and impartial administrative hearing commissioner concerning the charges pending against respondent; and the right to a ruling on questions of law by an administrative hearing commissioner. Being aware of these rights provided the respondent by operation of law, the respondent, Louis A. Fraas, Ph.D., knowingly and voluntarily waives each and every one of these rights and freely enters into this Stipulation of Facts and Waiver of Administrative Hearing Commission Hearing and Consent to a Finding of Cause for Discipline and agrees to abide by an Order of this Administrative Hearing Commission based upon this agreement.

The respondent acknowledges and understands that, based upon the following stipulations, this Administrative Hearing Commission will if it accepts this agreement find that the psychologist's license of the respondent is subject to disciplinary action by the State Committee of Psychologists, which

disciplinary action may include the suspension or revocation of respondent's psychologist's license. The respondent further understands that after the Administrative Hearing Commission finds his license to be subject to disciplinary action by the State Committee of Psychologists, the State Committee of Psychologists shall thereafter conduct a disciplinary hearing pursuant to § 621.110, RSMo Supp. 1984, for the purpose of determining the appropriate disciplinary action to be taken concerning the respondent's license. The respondent further understands and acknowledges that no promises, guarantees, or assurances of any kind have been made to respondent concerning the ultimate disciplinary action which may be taken by the petitioner concerning the respondent's license and that the State Committee of Psychologists may impose any lawful order of disciplinary action concerning the respondent's license which the State Committee of Psychologists deems appropriate in this case.

Based upon the foregoing, the petitioner and the respondent jointly stipulate to the following:

1. The State Committee of Psychologists is an agency of the State of Missouri created and established pursuant to § 337.050, RSMo Supp. 1984, for the purpose of executing and enforcing the provisions of Chapter 337, RSMo, Psychologists.

2. Respondent, Louis A. Fraas, Ph.D., is licensed by petitioner as a psychologist. His license, number R003 is,

and at the time of all events referred to herein was, current and active.

3. Respondent was employed by the United States Department of the Army, a federal agency, as a supervisory psychologist until his removal on or about July 6, 1984. Respondent appealed the removal. The decision in his appeal to the Merit Systems Protection Board, case No. DC07528410595, filed November 7, 1984, upheld his dismissal.

4. As the only clinical psychologist in the community, respondent's responsibilities included psychological counseling services to civilians.

5. The Merit Systems Protection Board found that respondent's treatment for stress involved "indecent conduct" that warranted his removal.

6. Respondent's indecent conduct included placing his hands on or unnecessarily close to the breasts, stomach, abdomen and pubic area of women while treating them for stress reduction using biofeedback techniques.

7. Respondent's stress treatment included asking a woman to show him how she masturbated.

8. Respondent's stress treatment included having one female patient place her hand on respondent's stomach and abdomen sufficiently low to touch respondent's erect penis while he demonstrated the breathing process used in connection with the biofeedback technique. When the patient pulled her hand away, she noticed that it was wet.

9. Respondent's stress reduction technique involved asking women either to remove or to loosen clothing and bras and to lie on cushions on the floor while being monitored on the biofeedback machine. While in this position, the respondent placed his hand under his patient's clothing at the lower abdomen and drew his hand up to their breasts.

10. Respondent did not document the interviews conducted during these treatments.

11. Respondent did not discuss with the patient prior psychological treatment that one of his patients had had.

12. Respondent conducted his treatment sessions without the presence of a nurse or other female observer.

13. Because respondent did not appeal the United States Merit Systems Protection Board decision to the full board within the 35 day statutory period or to the United States Court of Appeals for the Federal Circuit within the 30 day statutory period, the decision is final.

14. Respondent's conduct, as established by the foregoing facts, falls within the intendments of Chapter 621, RSMo Supp. 1984.

15. Cause exists for petitioner to take disciplinary action against respondent's license under Chapter 621, RSMo Supp. 1984.

RESPONDENT

PETITIONER

State Committee of
Psychologists

WILLIAM L. WEBSTER
Attorney General

Simon B. Buckner
Attorney at Law

Broadway Building
P.O. Box 899
Jefferson City, MO 65102
(314) 751-8842

Attorneys for Petitioner

BEFORE THE
STATE COMMITTEE OF PSYCHOLOGISTS
STATE OF MISSOURI

DEPARTMENT OF ECONOMIC DEVELOPMENT
STATE COMMITTEE OF PSYCHOLOGISTS,
3523 North Ten Mile Drive
P. O. Box 153
Jefferson City, MO 65102

Petitioner,

v.

Case No. PS-86-0126

LOUIS A. FRAAS
7104 East 127th
Grandview, MO 64030
License No. PYR0003.

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Introduction

This matter appears before the State Committee of Psychologists following the Statement of the Case, Findings of Fact, Conclusions of Law, and Decision issued by the Administrative Hearing Commission establishing that Louis A. Fraas has violated Section 337.035, RSMo 1986, and is, therefore, subject to disciplinary action by this Committee.

Pursuant to notice and Section 621.110, RSMo 1986, this Committee held a hearing on November 14, 1987, at the Clayton Plaza Holiday Inn in Clayton, Missouri, for the purpose of determining the appropriate disciplinary action against respondent's license. Respondent was not present at the hearing conducted in this matter but was represented by counsel, Kevin P. Moriarty.

Findings of Fact

1. The Administrative Hearing Commission is an agency of the state of Missouri created and established pursuant to Section 621.015, RSMo. 1986, for the purpose of conducting hearings and making findings of fact and conclusions of law in cases in which disciplinary action may be taken against a licensee's license by certain state agencies, including the State Committee of Psychologists.

2. The Administrative Hearing Commission issued its Statement of the Case Findings of Fact, Conclusions of Law, and Decision in the case of State Committee of Psychologists v. Louis A. Fraas, Case No. PS-86-0126 on August 10, 1987. The Findings of Fact, Conclusions of Law, and Decision by the Administrative Hearing Commission are incorporated by reference herein.

3. The Administrative Hearing Commission established that Louis A. Fraas violated Section 337.035, RSMo 1986, of the Psychology Practice Act and this Committee may, under the law, take disciplinary action against his license.

4. This Committee set this matter for hearing and served notice of this disciplinary hearing upon respondent in a proper and timely fashion.

5. Four voting members of this Committee were present throughout the disciplinary hearing. Further, each member of this Committee has read the Administrative Hearing Commission's Findings of Fact, Conclusions of Law, and Decision.

Conclusions of Law

1. The State Committee of Psychologists has jurisdiction over this proceeding pursuant to Section 621.110, RSMo 1986.

2. The respondent's license, numbered PYR0003, is subject to censure, probation, suspension, or revocation by this Committee, pursuant to Chapter 62 RSMo 1986, and Section 337.035, RSMo 1986.

Order

THEREFORE, having considered all evidence before this body, and giving full right to the Findings of Fact, Conclusions of Law and Decision of the Administrative Hearing Commission, it is the ORDER of the State Committee of Psychologists that:

1. Effective November 14, 1987, the psychology license, numbered PYR0003, of the respondent, Louis A. Fraas, is hereby placed on SUSPENSION for a period of three years, terminating on November 13, 1990.

2. The following terms and conditions shall govern respondent's period of suspension:

A. During this period, the respondent shall engage in no activity or conduct in the state of Missouri for which a license as a psychologist is required.

B. Immediately upon receipt of this document, the respondent shall return to the State Committee of Psychologists or its authorized agent the respondent's license as a psychologist, to be held by the Committee during this period of suspension.

C. During this period, the respondent shall pay to the Committee in a timely fashion all the requisite fees required by law to renew respondent's license, to prevent this license from lapsing.

D. The respondent shall keep this Committee apprised at all times in writing of respondent's current home and work addresses and telephone numbers and all subsequent home and work addresses and telephone numbers.

E. The respondent shall comply with all provisions of Chapter 337, RSMo, and with all federal and state criminal laws. "State" here includes the state of Missouri and all other states and territories of the United States.

3. The respondent shall enter into therapy under the treatment of a licensed psychologist (hereinafter referred to as the "treating therapist") who is acceptable to the petitioner.

A. The respondent shall submit the names of three proposed treating therapists to the petitioner within 30 days of the effective date of this order. The petitioner shall notify the respondent which, if any, of the proposed treating therapists are acceptable. If none of the proposed treating therapists are acceptable to the petitioner, the respondent shall provide another three names to the petitioner within 15 days of the petitioner's notification of the unacceptability of the original treating therapists. Respondent shall continue providing names to the petitioner in the manner as set forth herein until a treating therapist is accepted by the petitioner.

B. The respondent shall abide by the treatment recommendations of the treating therapist and shall engage in all psychological testing, therapy, or other treatment as deemed appropriate by the treating therapist. The respondent shall bear the cost of all such testing, therapy, or other treatment.

C. This treatment shall continue for no less than six months from the date the treatment begins and shall continue for as long as deemed appropriate by the treating therapist, but not to exceed the combined length of the suspension and probationary periods.

D. The treating therapist shall submit a written report to the petitioner within 30 days of the beginning of the therapy and shall submit subsequent written reports once every three months to the petitioner for the duration of the therapy. It shall be the responsibility of the respondent to ensure that the written reports are submitted by the treating therapist to the petitioner in a timely manner.

4. The respondent shall promptly submit to the petitioner all reports, evaluations, diagnoses, or other studies prepared by Dr. James McHugh regarding the respondent during the period of the respondent's discipline in Kansas by the Kansas psychology licensing authority and shall ensure that Dr. McHugh or any subsequent or succeeding psychologist continues to submit to petitioner all reports regarding the respondent prepared as part of the respondent's discipline in Kansas. Such reports shall be submitted to petitioner within ten days of the submission of such reports to the Kansas psychology licensing authority.

5. The respondent shall undergo a psychological evaluation six months prior to the end of the period of suspension. This psychological evaluation shall be performed by a licensed psychologist (hereinafter referred to as the "evaluating psychologist") who is acceptable to the petitioner. The evaluating psychologist shall be selected in the same manner as set forth in paragraph 3A, above, concerning the selection of the treating therapist. A written evaluation concerning the respondent shall be submitted by the evaluating psychologist to the petitioner within 30 days of the evaluation. It shall be the responsibility of the respondent to ensure that the evaluation is submitted by the evaluating psychologist to the petitioner in a timely manner.

A. The respondent shall abide by the recommendations of the evaluating psychologist set forth in the psychological evaluation and shall engage in all psychological testing, evaluation, supervision, therapy, or other treatment as deemed appropriate by the evaluating psychologist. The respondent shall bear the cost of all evaluations and all testing, evaluation, therapy, supervision, or other treatment.

B. The respondent shall continue in such supervision, therapy, or other treatment for as long as deemed appropriate by the evaluating psychologist but not to exceed the combined length of suspension and probationary periods.

C. The evaluating psychologist shall submit a written report to the petitioner no less than once every three months beginning on the date of the evaluation setting forth the nature of any such treatment, therapy, or supervision conducted by the evaluating psychologist and setting forth any evaluation, diagnosis, and prognosis concerning the respondent.

5. The respondent shall report to the petitioner in writing once every four months beginning on the effective date of this disciplinary order, stating truthfully whether or not the respondent has complied fully with all terms and conditions, as set forth herein, and, if the respondent has not, further detailing in each respect how the respondent has failed to so comply.

1. Effective November 14, 1990, the psychology license, numbered PYR0003, of the respondent, Louis A. Fraas, is hereby placed on PROBATION for a period of five years terminating on November 13, 1995.

2. The following terms and conditions shall govern respondent's period of probation:

A. The respondent may practice as a psychologist in the state of Missouri during this probation, subject to the restrictions imposed herein.

B. The respondent shall keep this Committee apprised at all times in writing of respondent's current home and work addresses and telephone numbers and each place of employment.

C. During this period, the respondent shall pay to the Committee in a timely fashion all the requisite fees required by law to renew and keep current respondent's psychology license.

D. The respondent shall comply with all provisions of Chapter 337, RSMo, and with all federal and state criminal laws. "State" here includes the state of Missouri and all other states and territories of the United States.

3. The respondent shall continue to engage in any psychological treatment, therapy, or evaluation begun during the period of suspension if deemed appropriate by the respondent's treating therapist or evaluating psychologist. It shall be the responsibility of the respondent to ensure that all reports associated with such treatment, therapy, or evaluation continue to be submitted to the petitioner in a timely manner as set forth above.

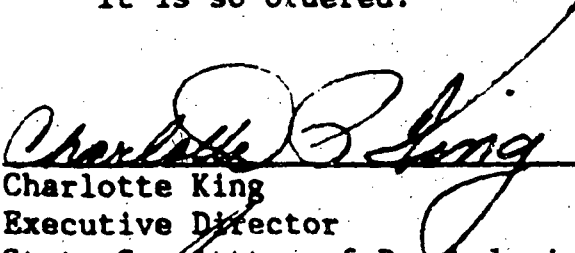
4. The respondent shall report to the petitioner in writing once every four months beginning on the effective date of this disciplinary order, stating truthfully whether or not the respondent has complied fully with all terms and conditions, as set forth herein, and, if the respondent has not, further detailing in each respect how the respondent has failed to so comply.

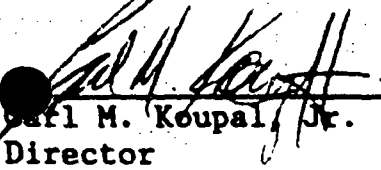
5. Should the respondent violate any term or condition of this suspension and/or probation or any provision of Chapter 337, RSMo, the State Committee of Psychologists may vacate the order of suspension and/or probation imposed hereon and revoke the respondent's license.

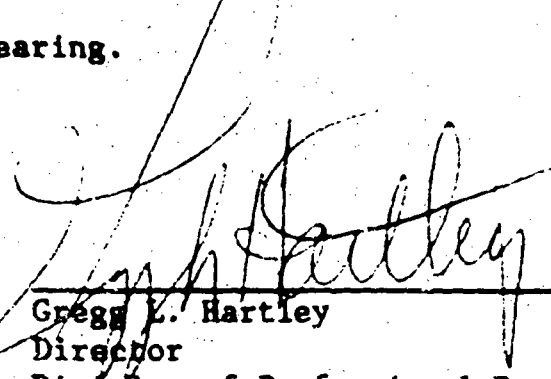
6. No additional order shall be entered by this Committee pursuant to paragraph 4 of this order without notice and an opportunity for hearing before the State Committee of Psychologists as a contested case in accordance with the provisions of Chapter 536, RSMo.

6. This Order does not bind this State Committee of Psychologists or restrict the remedies available to it concerning any future violation of Chapter 337, RSMo, by the respondent. This decision was made by unanimous vote of all Committee members in attendance at the hearing.

It is so ordered.


Charlotte King
Executive Director
State Committee of Psychologists


Carl M. Koupal, Jr.
Director
Department of Economic Development


Gregg L. Hartley
Director
Division of Professional Registration

31 March 1982
Date